

12-29-05

N.D.N.Y. / ALNY
04-cr-94
Scullin, C. J.

MANDATE

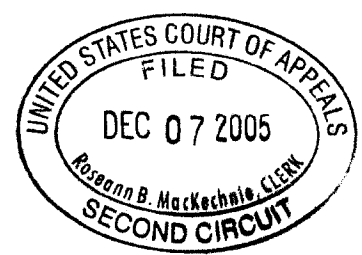
United States Court of Appeals
FOR THE
SECOND CIRCUIT
U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JAN 06 2006

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, in the City of New York, on the 7th day of Dec. two thousand and five,

Present:

Hon. Richard J. Cardamone,
Hon. Pierre N. Leval,
Hon. Robert D. Sack,
Circuit Judges.



United States of America,

Appellee,

v.

04-5998-cr

Thomas Grugan,

Defendant-Appellant.

Paul J. Evangelista, Esq., appellant's counsel, moves, pursuant to *Anders v. California*, 386 U.S. 738 (1967), to withdraw from representing the appellant in the above-captioned appeal; and the Government moves for summary affirmance. Upon due consideration, it is ORDERED that the motions are GRANTED. Counsel has demonstrated that the appeal presents no non-frivolous issues for review. See *McCoy v. Court of Appeals of Wisconsin*, 486 U.S. 429, 438-39 (1988) (in order to be relieved pursuant to *Anders*, counsel must conscientiously examine the case, identifying any issue that could arguable be raised on appeal).

FOR THE COURT:
Roseann B. MacKechnie, Clerk

By: Michelle Carr

SAO RH

A TRUE COPY
Roseann B. MacKechnie, CLERK
by Ralph [Signature]
DEPUTY CLERK

MANDATE ISSUED: 12-29-05